

REMARKS

Reconsideration and allowance are respectfully requested. Claims 1-16 and 18-23 are all the claims pending in the application, as claim 17 is hereby canceled. Applicant submits the pending claims define patentable subject matter.

Claim Objections

The Examiner objects to claims 20-23 are objected to under 37 CFR 1.75(c), as allegedly being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant herein amends claims 20-23 to delete the features “wherein the handheld portable operating portion fits within an operator’s hand.” Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw the objection.

Claim Rejections - 35 USC § 103

Claims 1-17, 20 and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ivan et al. (U.S. Patent No. 5,877,501; hereinafter “Ivan”). Applicant respectfully traverses the rejection.

As noted on page 10 of the present Amendment, Applicant herein amends independent claim 1 consistent with the agreement reached between the Examiner and Applicant’s undersigned representative during the telephonic interview on November 16, 2007.

Independent claim 1 now recites, in part:

a handheld portable operating portion for outputting command signals to the control means for operating the solid state radiation detector, formed as a separate unit from the cassette main body,

wherein the command signals for operating the solid state radiation detector include command signals for performing radiation image recording.

Applicant points out that the alleged portable operating portion in Ivan (i.e., the desktop computer 50) does not output command signals to the alleged control means (i.e., element 38) for operating the solid state radiation detector. That is, assuming *arguendo* that the claimed control means corresponds to the controller 38 of Ivan, and further, that the claimed portable operating portion corresponds to the desktop computer 50, Applicant points out that the computer 50 does not output any command signals to the controller 38, such that the command signals for operating the solid state radiation detector include command signals for performing radiation image recording. Consequently, Applicant submits that Ivan fails to teach or suggest the above-noted claimed features.

Further, in Ivan, the detector portion itself is portable and is operable to detect a radiation image when turned on even if separated from the computer and base station.¹ This independent operation underscores the fact that the alleged controller 38 has no bearing on the radiation detection operation.² Furthermore, Applicant submits that this undermines the Examiner's motivation for portability since the detector assembly is already portable. The computer is merely for display and archiving. Consequently, the combination alleged by the Examiner would lead to a handheld display or handheld archive device. However, Applicant notes that a handheld display device would not provide sufficient size or resolution for medical image viewing, and similarly, a handheld archiving device would not have sufficient space for

¹ See *Ivan*, col. 4, lines 40-54.

² See claim 17.

archiving. Applicant therefore submits that the suggested modification would impermissibly render Ivan inoperable for its intended purpose.³

In view of the above, Applicant submits that Ivan fails to disclose all of the features of the claimed invention. Furthermore, Applicant submits that one of ordinary skill in the art, at the time the invention was made, would not have been motivated to modify Ivan to obtain the claimed invention, such a modification to Ivan would impermissibly alter the principle of operation of Ivan.⁴ For example, if one were to modify the computer 50 in Ivan in order to output control signals to the controller 38, the entire principle of operation of Ivan would have to be changed so that the computer would be able to control the solid state radiation detector for detecting radiation bearing image information and outputting an image signal representing a radiation image. As noted above, Ivan only discloses that the computer is used for downloading of images and image processing.⁵ Thus, such a modification of Ivan would inevitably destroy its principle of operation.

Consequently, Applicant submits independent claim 1 is patentable over Ivan for at least these reasons. Similarly, Applicant submits independent claims 15, 18 and 19 are patentable for analogous reasons. Further, Applicant submits that dependent claims 2-14, 16, 20 and 21 are patentable over Ivan, at least by virtue of their respective dependency on claims 1, 15 and 18.

Further, with regard to the rejection of dependent claim 13, Applicant submits that the claim recites, in part:

³ See MPEP 2143.01.

⁴ See MPEP § 2143.01 (VI).

⁵ See *Ivan*, col. 4, lines 33-53.

wherein said command signals comprise:
at least one piece of information relating to readying the
solid state radiation detector to record a radiation image; and
information relating to readying the solid state radiation
detector to read out a radiation image therefrom.

The Examiner asserts that Ivan discloses information relating to reading the solid state radiation detector to record a radiation image. The Examiner then cites the status display 40 in Ivan. The Examiner goes on to state that Ivan further discloses “information relating to reading the solid state detector to read out a radiation image therefrom (column 4 lines 16-19).”

Applicant respectfully disagrees with the rejection.

Applicant submits that the claimed “command signals” correspond to the claimed feature recited in claim 1, “a handheld portable operating portion for outputting command signals to the control means for operating the solid state radiation detector, wherein the command signals for operating the solid state radiation detector include command signals for performing radiation image recording.” That is, the command signals are output from the handheld portable operating portion, and they include command signals for performing radiation image recording. However, the status display 40 in Ivan is not within the alleged handheld portable operating portion, i.e., the computer 50. Therefore, the command signals of dependent claim 13 cannot correspond to the signals output from the controller 38 in Ivan to the status display 40.

Moreover, as noted above, the claim recites “at least one piece of information relating to
readying the solid state radiation detector to record a radiation image.”⁶ However, the cited portion of Ivan simply states:

⁶ Emphasis added.

[a] status display 40 includes one or more human readable indicators such as LEDs or LCDs. Low battery, error codes, and power indications are provided. A power switch allows the operator to turn the image detector on and off as desired.

That is, Ivan merely describes displaying low battery, error codes and power indications.

Applicant submits that this does not necessarily equate to information relating to readying the solid state radiation detector to record a radiation image, as claimed.

In view of the above-noted deficiencies of Ivan, Applicant submits dependent claim 13 is patentable over Ivan, for at least these reasons. Applicant submits dependent claim 14 is patentable for analogous reason.

Claims 18, 19, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ivan in view of Jeromin et al. (US Patent 5,661,309; hereinafter “Jeromin”).

Applicant submits that Jeromin fails to cure the deficiencies of Ivan noted above. Consequently, Applicant submits that neither reference, either alone or in combination, teaches or suggests all of the features of independent claim 18. As such, Applicant submits that independent claim 18 is patentable over the prior art of record, at least for these reasons. Similarly, Applicant submits that independent claim 19 is patentable for analogous reasons. Further, Applicant submits dependent claims 22 and 23 are patentable, at least by virtue of their respective dependency on claims 18 and 19.

Claim Amendments to Claims 20-23

Additionally, with regard to claims 20-23, Applicant notes that the claims now recite, in part:

wherein the handheld portable operating portion displays an imaging menu which sets imaging conditions for the detecting of the radiation bearing image information by setting at least one of an imaging portion of an object from which the radiation bearing image information is detected and an imaging method used for the detecting of the radiation bearing image information.

Applicant submits that the Specification fully supports the above-noted claim amendments, for example, at pages 12 and 13, which describe the displaying and operation of an imaging menu on the handheld operating portion, whereby the imaging menu sets conditions by which the imaging is performed. Applicant submits the combination of the prior art of record fails to disclose or suggest such these unique feature. Accordingly, Applicant submits that dependent claims 20-23 are patentable at least for these reasons.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Mark C. Davis/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Mark C. Davis
Registration No. 60,552

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: March 18, 2008